

Appl. No. 10/807,272  
Amendment dated December 9, 2004  
Reply to Office Action of July 9, 2004

### REMARKS

Reconsideration and allowance of this application, as amended, is respectfully requested.

This Amendment is in response to the Office Action dated July 9, 2004.

By the present Amendment, each of independent claims 1 and 2 has been amended to clarify the invention. Claims 16 and 17 have been cancelled, without prejudice.

By the present Amendment, each of independent claims 1 and 2 has been amended to specifically define that at least 80% of the ferroelectric body has a polarization access within five degrees of a predetermined direction of an electric field across the capacitive element. In addition, each of claims 1 and 2 now defines that the ratio of the electrode area of the capacitor to the whole top plan area of the memory element is as low as 30% or less. As noted on page 9, line 14 *et sic* of the specification:

"Preferably, the direction of polarization is exactly parallel to the field for the whole of the body, but this is difficult to achieve in practice. It has been found that satisfactory characteristics are obtained if at least 80% of the body has a polarization axis within 5° of the direction of the field."

Similarly, as discussed on page 64, line 25 *et sic*:

"Moreover, the ratio of the electrode area of the capacitor to the whole top plan area of the memory element is sufficient, even when it is as low as 30% or less, which is significantly advantageous for achieving a finer structure for the memory element."

None of the cited prior art teaches or suggests these features.

Accordingly, reconsideration and allowance of amended Independent

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claims 1 and 2, and their respective dependent claims 2-15, is respectfully requested.

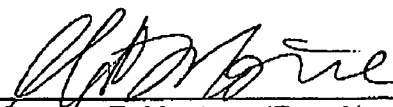
With regard to the same invention type double patenting rejection, this is obviated both by the present amendments to the independent claims 1 and 2, as well as the fact that copending application Serial No. 10/302,953 has been abandoned.

Finally, reconsideration and removal of the obviousness-type double patenting rejection is also respectfully requested. Again, it is noted that the present amendments certainly serve to obviate this rejection. In addition, for purposes of eliminating the question regarding obviousness-type double patenting, a Terminal Disclaimer has been filed with regard to the parent U.S. Patent No. 5,629,888. Therefore, reconsideration and removal of this rejection is also respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, No. 01-2135 (Application No. 503.30370CC8), and please credit any excess fees to said deposit account.

Respectfully submitted,  
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By

  
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Annotated Sheet Showing Changes Made To FIG. 39

Fig. 39

